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SW

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/930,721	08/15/2001	Max Douglas Oyler	9D-DW-19866	1672

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EXAMINER

WILKENS, JANET MARIE

ART UNIT PAPER NUMBER

3637

DATE MAILED: 03/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/930,721

Applicant(s) **SW**

OYLER ET AL.

Examiner

Janet M. Wilkens

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-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14-21 is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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The request filed on January 5, 2004 for a Request for Continued Examination Application (RCE) under 37 CFR 1.114 based on parent Application No. 09/930,721 is acceptable and a RCE has been established. An action on the RCE follows.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 8 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Heyde et al (French reference 2, 626, 016). Heyde teaches an outer door panel (Fig. 3) comprising: a frame (17) with lateral sides, an outer surface extending from the frame and an angled recessed control panel (30) extending from the outer surface and between the lateral sides. The outer surface extends between the control panel and top edge of the frame.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 1, 2, 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heyde et al (French reference 2, 626, 016) in view of Lapi. Heyde teaches an outer door panel (Fig. 3) comprising: a frame (17) with lateral sides, an outer surface extending from the frame and an angled recessed control panel (30) extending from the outer surface and between the lateral sides. The outer surface extends between the control panel and top edge of the frame. For claims 1 and 9, Heyde fails to teach that the outer surface is bowed. Lapi teach a bowed door (140). It would have been an obvious design consideration to one of ordinary skill in the art at the time of the invention to modify the door panel of Heyde by using a bowed panel therein, such as taught by Lapi, for aesthetic reasons, to provide more inner space inside the appliance, etc.

Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heyde et al (French reference 2, 626, 016) in view of Lapi as applied to claims 1, 2 and 7 above, and further in view of Stottmann. For claim 3, Heyde fails to teach that the surface contains an escutcheon therein. Stottmann teaches an appliance (Fig. 1) having a surface which contains a cutout (Fig. 2) with a plastic escutcheon (40) received therein. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the door panel of Heyde by using an alternate control means therein, i.e. using the control panel with the multiple features provided by Stottmann therein instead of the simple control means presently taught, to provide a more marketable, modern appliance. Furthermore, the escutcheon of Stottman would provide a control structure for an appliance that can be readily inserted/removed from the door

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for repair, assembly, etc. Note: the mounting surface of Heyde would need to be modified as necessary to accommodate the control means of Stottmann, this including adding an opening therein, like opening 22 of Stottmann, and incorporating the various controls 25,20, etc of Stottmann in the surface/door of Heyde.

Also for claim 3, Heyde fails to teach that the door is specifically on a dishwasher. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to use this type of door on any of a number of different appliances, including dishwashers, depending on the desired need of the person designing/constructing the appliance. Like drier and washer doors, dishwasher doors commonly have control panels thereon (see cited prior art).

For claim 4, Heyde fails to teach that the outer surface of the door is specifically made of metal. However, it would have been obvious to one of ordinary skill in the art at the time of the invention make the door out of any of a number of different materials, including metal, depending on the desired need of the person designing/constructing the appliance, e.g. for aesthetic reasons, depending on the material readily available, etc.

Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heyde et al (French reference 2, 626, 016) in view of Stottmann. As stated above, Heyde teaches the limitations of claims 8 and 10, including a door panel having an outer surface with a recessed control panel. For claim 11, Heyde fails to teach that the surface contains an escutcheon therein. Stottmann teaches an appliance (Fig. 1) having a surface which contains a cutout (Fig. 2) with a plastic escutcheon (40) received

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therein. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the door panel of Heyde by using an alternate control means therein, i.e. using the control panel with the multiple features provided by Stottmann therein instead of the simple control means presently taught, to provide a more marketable, modern appliance. Furthermore, the escutcheon of Stottman would provide a control structure for an appliance that can be readily inserted/removed from the door for repair, assembly, etc. Note: the mounting surface of Heyde would need to be modified as necessary to accommodate the control means of Stottmann, this including adding an opening therein, like opening 22 of Stottmann, and incorporating the various controls 25,20, etc of Stottmann in the surface/door of Heyde.

For claim 13, Heyde fails to teach that the outer surface of the door is specifically made of metal. However, it would have been obvious to one of ordinary skill in the art at the time of the invention make the door out of any of a number of different materials, including metal, depending on the desired need of the person designing/constructing the appliance, e.g. for aesthetic reasons, depending on the material readily available, etc.

Allowable Subject Matter

Claims 14-20 are allowed. (The allowable subject matter for claim 14 being the dishwasher door assembly including an inner door panel and an outer door panel; the outer door panel having an outer surface which surrounds a recessed angled control surface formed therein. The allowable subject matter for claim 17 being the dishwasher

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door assembly including an inner door panel and an outer door panel; the outer door panel having a bowed outer surface and a recessed angled control surface formed therein.)

Response to Arguments

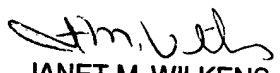
Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janet M. Wilkens whose telephone number is (703) 308-2204. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (703) 308-2486. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wilkens
March 15, 2004


JANET M. WILKENS
PRIMARY EXAMINER
Art Unit 3637